



NEWS

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New Plain-English Jury Instructions Adopted to Assist Jurors in California Courts

Milestone provides key improvement to overall jury process

San Francisco—In another jury reform, the Judicial Council of California today officially adopted new civil jury instructions that emphasize plain, straightforward language, to provide an alternative to often confusing legal terminology that has been used in California trial courts for the past 70 years.

In a comprehensive six-year project, the council's Task Force on Jury Instructions spent hundreds of hours drafting the new instructions, which California courts may apply to civil trials this September. Current civil instructions were initially drafted in the 1930's.

"The new plain English jury instructions are a major contribution to the Judicial Council's historic efforts to reform the California jury system," said Chief Justice Ronald M. George, who appointed the 29-member panel of judges, lawyers, and other experts. "The new simplified jury instructions will help ensure that jurors understand the law and apply it correctly during their deliberations.

"Jurors make important and sometimes life-altering decisions," said Court of Appeal Justice Carol A. Corrigan, chair of the Jury Instructions Task Force. "It is critical that the instructions be clear so that Californians performing this important service reach informed conclusions, grounded in an understanding of the law."

Rather than revise current instructions, the task force's civil subcommittee members started anew. They used drafting principles including rules of composition developed by linguists who have analyzed the comprehensibility of jury instructions. A sample comparison of old and new instructions on the same subject demonstrates the new approach:

Old “Failure of recollection is common. Innocent misrecollection is not uncommon.”	New “People often forget things or make mistakes in what they remember.”
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“The new instructions provide a much needed plain-English explanation of legal principles,” said Court of Appeal Justice James D. Ward, vice-chair of the task force and chair of the civil subcommittee. “The task force members are justly proud of being a part of this improvement in the jury process.”

The new instructions will be available in print and electronic formats this fall from LexisNexis Matthew Bender, the official publisher. They also will be available at no cost on the California Courts Web site. LexisNexis is developing an interactive software program that will allow judges and attorneys to customize the new instructions to fit the facts of each case.

The statewide task force also is writing new criminal jury instructions that will be ready for approval in 2005.

Justice Corrigan is an Associate Justice of the Court of Appeal, First Appellate District, Division Three (San Francisco.) Justice Ward is an Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two (Riverside.)

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.

Key Facts

About New Jury Instructions

- Chief Justice Ronald M. George appointed the 29-member Task Force on Jury Instructions in 1997 to draft legally accurate jury instructions in plain English.
- The current civil and criminal instructions were initially drafted in the 1930s and 1940s.
- The goals of the Task Force are to (1) ensure that jurors understand and apply the law correctly in their deliberations, and (2) make jurors’ experiences more meaningful and rewarding.
- The civil subcommittee of the Task Force consists of 18 legal professionals who have dedicated hundreds of hours to create these new instructions, with hundreds of California lawyers involved in reviewing various drafts.

- Starting in 2000, the draft versions of the new instructions were circulated for comment to the legal community on an annual basis. The civil committee carefully reviewed the comments, which provided the basis for many revisions.
- The 800 newly-adopted instructions are for civil trials and will be effective in September 2003. New criminal instructions will be ready in 2005.
- Only a few states have plain-English jury instructions. California's are the most comprehensive.
- Last month, the Judicial Council received the 2003 Burton Award for Outstanding Reform—a national award for clear legal writing—from the Burton Foundation for the council's role in drafting California's new civil and criminal jury instructions.
- The California judicial system is the largest in the nation, surpassing the size of even the federal system nationwide.